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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,751	02/19/2004	Yoshiaki Nagashima	A8319.0034/P034	1787
24998	7590	06/14/2005	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			CHAPMAN JR, JOHN E	
2101 L Street, NW			ART UNIT	
Washington, DC 20037			PAPER NUMBER	
			2856	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,751

Applicant(s)

NAGASHIMA ET AL.

Examiner

John E. Chapman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 7, 8 and 14-21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/19/04; 8/30/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1, 7, 9, 12 and 14 are objected to because of the following informalities:

Regarding claim 1, --inspection-- should follow “nondestructive” in line 1 in order to be consistent with claims 2-11.

Regarding claim 7, “one of said transmission waveforms” in line 4 should be changed to --one transmission waveform--.

Regarding claim 9, “and said receiving element” in line 5-6 should be deleted.

Regarding claim 12, “means” in line 3 should be deleted.

Regarding claim 14, “said transmission waveforms” in line 7-8 should be changed to --at least one transmission waveform with respect to--.

Appropriate correction is required.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is unclear. It is not clear what it means for transmission waves to be formed “in such a manner that said calculated reception waveforms are sequentially transmitted from such a reception waveform whose reception time is delayed.”

Regarding claim 9, there is no antecedent basis for “said guided wave transmitting means and said guided wave receiving means” in lines 11-12. It is not clear whether applicant intends “said waveform forming means and said analyzing means.”

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5, 6, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Rose et al. (5,734,588).

Rose discloses a nondestructive apparatus using a guided wave wherein a waveform is generated and reflected waveforms are received and displayed. Any waveform, such as a waveform with a particular frequency or mode, may be taken to be a “reference” waveform, since the claims do not specify any particular for the reference waveform nor any particular manner of employing it. Indeed, the tone burst 31 may be taken to be a “reference” waveform.

Regarding claim 3, an echo waveform is “wanted to be received” by the receiving element when there is water loading, and the transmission waveform is selected so as to provide an echo waveform at the receiving element when there is water loading.

Regarding claim 13, points b and c in Fig. 6 satisfy the recited condition.

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al. (5,734,588) in view of Lam et al. (6,578,422).

The only difference between the claimed invention and the prior art consists in scanning along a circumference of a pipe and providing a two-dimensional display of an inspection image. Lam et al. teaches displaying a flaw location in a two-dimensional display in which the horizontal axis is the tubular length and the vertical axis is the tubular circumference (column 10, lines 50-53). It would have been obvious to one of ordinary skill in the art to provide a circumferential scan of the pipe of Rose et al. in order to display a flaw location in a two-dimensional display in which the horizontal axis is the pipe's length and the vertical axis is the pipe's circumference.


8. Claims 7, 8 and 14-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E. Chapman whose telephone number is (571) 272-2191. If

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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John E Chapman
Primary Examiner
Art Unit 2856